

ALAN BISHOP
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FAIRPORT, NY 14450
(716) 377-4996

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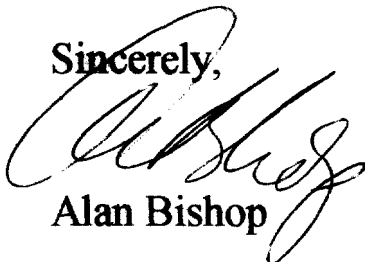
Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M St., NW
Washington, DC 20554

April 30, 1996

Dear Mr. Caton,

Enclosed is a petition for rulemaking to assign 95.5 MHz to the community of Hilton, New York. I have been in the radio business for 21 years and look forward to owning and operating my own station. I understand that I will most likely be one of a few applicants for the frequency if it is assigned. Therefore I request that this petition be given expeditious processing so the entire process does not drag on for many years. Thank you for your attention to this matter.

Sincerely,


Alan Bishop

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
Hilton, N.Y.)

MM Docket No.: _____

RM- _____

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Alan Bishop d/b/a Hilton Broadcasting (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully requests the Commission to institute a rule-making proceeding to assign FM Channel 238A (95.5 MHz.) to Hilton, New York as said community's first local service.

Community	Channel No.	
	<u>Present</u>	<u>Proposed</u>
Hilton, NY	-----	238A

As will be described in the attached Engineering Statement prepared by Mr. Robert A. Lynch, Petitioner's consulting engineer, Channel 238A can be assigned to Hilton, NY with a site restriction of 2.0 kilometers northwest to avoid short-spacing the licensed and permitted facilities of FM broadcast station WNVE, South Bristol Township, NY. Assignment of Ch. 238A to Hilton is also

predicated upon special negotiated short-spacing with Canada to resolve short-spacings with respect to CJBC1F, Belleville, Ontario and CKDS-FM, Hamilton, Ontario. With respect to CJBC1F, Petitioner acknowledges some signal directionalization may prove necessary to protect the CJBC1F signal over Canadian land area. Petitioner is prepared to accept that obligation.

Petitioner maintains that the public interest would be served through the assignment of Channel 238A to Hilton, NY for the following reasons:

1. Hilton, NY is an incorporated village recognized by the United States Census. The 1990 U.S. Census listed its total population as 5,216;
2. The village of Hilton maintains a U.S. Post Office (zip code: 14468), municipal government and business district;
3. Presently, no other commercial or non-commercial broadcast station, AM or FM, is licensed to Hilton, NY; hence no such station maintains an obligation to provide primary service to this community in terms of news, public affairs, or general information;
4. The assignment of Ch. 238A to Hilton, NY would provide an additional advertising outlet for local businesses, thereby benefiting commercial interests as well as the general public.

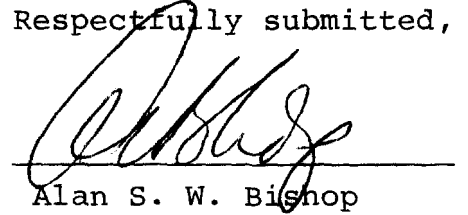
Petitioner hereby states that he is a United States citizen and is otherwise legally qualified to serve as a broadcast licensee under the Rules and Regulations of the Federal Communications Commission.

Should the Commission allot Channel 238A to Hilton, New York, Petitioner hereby states his intention to file a construction permit application for said allotment; and should he become the successful applicant, subsequently build and operate the station to serve the public interest.

Date:

4/30/94

Respectfully submitted,



Alan S. W. Bishop
d/b/a Hilton Broadcasting
Petitioner

679 Furman Road
Fairport, N.Y. 14450

Attached: Engineering Study
Robert A. Lynch
Independent Broadcast
Consultants, Inc.
Trumansburg, NY



INDEPENDENT BROADCAST CONSULTANTS, INC.

110 COUNTY RD. 146,
TRUMANSBURG, N.Y. 14886-9721
(807) 273-2970

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ENGINEERING STATEMENT

in support of

HILTON BROADCASTING

Rule Making Petition
Proposed New Commercial FM Broadcast Station
Channel 238A (95.5 MHz.)
Hilton, New York

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Village of Trumansburg)

Tompkins County) SS.

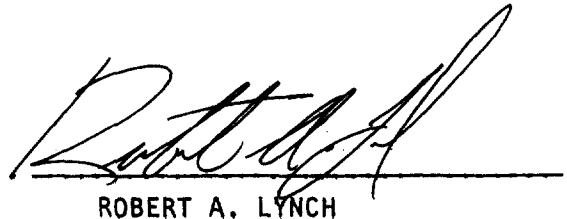
State of New York)

Robert A. Lynch, being duly sworn upon his oath, deposes and states that:


He is an employee and a consultant with the firm Independent Broadcast Consultants, Inc., with offices at 110 County Road 146, Trumansburg, New York 14886-9721.

His qualifications are a matter of record with the Federal Communications Commission, having filed numerous technical reports with them in the past and having participated in other technical projects and applications which have been accepted for filing and subsequently were granted construction permits.

That facts contained in this report subscribed by him are true of his own personal knowledge, except those stated on information and belief, and those facts he verily believes to be true.


ROBERT A. LYNCH

Subscribed and sworn before me this 19th day of APRIL, 1996.


NOTARY PUBLIC
PAULA J. MOUNT
Notary Public, State of New York
No. 5007335
Qualified in Tompkins County
Commission Expires Jan. 20, 1997

HILTON BROADCASTING
Rule Making Petition
Proposed New Commercial FM Station
Ch. 238A (95.5 MHz.)
Hilton, New York

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ENGINEERING STATEMENT

This statement and its supporting exhibits has been prepared on behalf of Hilton Broadcasting to accompany its Rule Making Petition to establish a new, commercial FM broadcast allocation at Hilton, New York on Channel 238A (95.5 MHz.) This proposed allotment would operate with the equivalent of six kilowatts at 100 meters above average terrain with reduced emissions at certain azimuths toward Canadian land area to protect the licensed contours of co-channel CJBC1F, Belleville, Ontario. Accordingly, special negotiated short-spacing with Canada is requested.

The proposed allotment of Ch. 238A to Hilton, NY is predicated on a site restriction of 2.0 kilometers northwest of the Hilton, NY community reference point to prevent short-spacing to FM broadcast station WNVE, South Bristol Township, NY at its licensed site. The proposed reference coordinates for Ch. 238A at Hilton, NY are N 43° 18' 00"; W 77° 48' 40". At these coordinates, the minimum 69.0 kilometer spacing is maintained to WNVE on its second-adjacent Ch. 236B. Minimum spacing distances are also maintained to all other domestic facilities or proposals.

FIGURE 1 of this report is a copyright FM Spacing Study performed on April 12, 1996 for Ch. 238A at Hilton, NY, utilizing the FCC FM database and the site coordinates referenced above. As shown, this proposal is short-spaced to three entries on this study relating to two separate stations, both Canadian. First, this proposal is short-spaced by 21.2 kilometers to first-adjacent station CKDS-FM, Hamilton, ON, licensed to Ch. 237C1 (95.3 MHz.) Secondly, this proposal is short-spaced by 133 kilometers to co-channel station CJBC1F, Belleville, ON, licensed to Ch. 238C1. The third short-spacing is an identical 133 km. to the Ch. 238C1 allocation (designated as a proposed rule making) which CJBC1F currently fills. No other short-spacings, domestic or Canadian, are listed. Special negotiated short-spacing is requested with respect to both CKDS-FM and CJBC1F.

FIGURE 2 is a photoreduced portion of the Hilton, NY USGS 7½-min. topo map, containing the appropriately photoreduced distance scale in kilometers and miles. On this map are designated the Hilton, NY community reference point (presumably the U.S. post office); the proposed Ch. 238A allocation point; coordinates for

each; and the village boundary of Hilton, NY as determined by the U.S.G.S.. As may be observed, the proposed Ch. 238A allotment is situated close enough to all portions of the Hilton village to provide acceptable 70dBu city-grade coverage from this Class A FM facility, even should effective radiated power be somewhat reduced at certain azimuths to provide acceptable protection to Canada. It may also be noted that most of the village lies to the east and southeast of the Ch. 238A allocation point, directions away from those toward which Canadian protection may be required.

FIGURE 3 provides a full-size portion of a 1:1,000,000 Canadian Dept. of Transportation ground conductivity map (with conductivity designations removed for clarity), showing the relationship between CJBCLF, Belleville, ON and the proposed Ch. 238A at Hilton, NY. Represented on this map is the reference point and licensed site of CJBCLF; the prop. Ch. 238A allocation point at Hilton, NY; the licensed CJBCLF normally-protected 54dBu contour based on F(50,50) curves and assuming uniform terrain at all azimuths; the maximum permissible 54dBu protected contour for Ch. 238C1 at Belleville should CJBCLF upgrade to 100 kW at 300 meters AAT; the proposed Ch. 238A interfering 34dBu F(50,10) contour toward the CJBCLF protected contour based on a reduced signal toward that contour of an equivalent 500 watts (0.50 kW) at 100 meters AAT; and designation of the closest known inhabited Canadian land area from the proposed Hilton, NY allotment, namely Nicholson Island. Based on this analysis, the undersigned is prepared to recommend that this proposal's adoption be predicated on a reduction of E.R.P. to the equivalent of 0.5 kW at 100 meters AAT in the direction of CJBCLF at or about 23.1°T.

FIGURE 4 is a full-size portion of the U.S.G.S. 1:1,000,000 World Aeronautical Chart base map showing the relationship between CKDS-FM, Hamilton, ON and the proposed Ch. 238A allotment at Hilton, NY. Shown on this map are the licensed site of CKDS-FM; the proposed Ch. 238A allocation point at Hilton; the normally protected 54dBu service contour of CKDS-FM based on licensed facilities of 100 kilowatts at 305 meters AAT and assuming uniform terrain; the predicted Ch. 238A interfering 48dBu F(50,10) contour toward CKDS-FM, again based on uniform terrain; and a point within the CKDS-FM 54dBu contour on the U.S.-Canada border representing the closest pertinent border point to this proposal. As shown on this map, the predicted Ch. 238A 48dBu interfering contour does not touch the CKDS-FM 54dBu contour even within United States territory, let alone at any point on the U.S.-Canada border. Therefore, with respect to CKDS-FM, special negotiated short-spacing appears clearly justified with no reduction in radiated field toward CKDS-FM necessary.

With respect to this proposal's compliance with § 73.316 of the Commission's Rules, presuming a directional antenna would be employed to assure Canadian protection, the undersigned notes that should radiation toward Canada be restricted to 500 watts (-3.01dBk), a full-facility 6 kW/100m AAT could be authorized at other azimuths away from Canada, since the facility's maximum-to-minimum radiation would differ by no more than 10.8 dB, with 15 dB the specified maximum difference.

From FIGURE 3 it may also be observed that the protection of the CJBC1F Canadian contour covers a relatively narrow aperture, with most of restricted contours falling over the waters of Lake Ontario. From this figure, it would appear that directional antenna patterns could be designed which would provide an equivalent 6 kW/100m AAT signal from the Hilton, NY proposal over most, if not all, United States land area to be covered by the proposed station. As a result, the need to directionalize to protect CJBC1F, Belleville, would not appreciably impact effective full-facility Class A coverage within the United States.

Inspection of USGS topo maps indicates numerous rural areas west and northwest of Hilton, NY upon which this or other applicants could situate proposed antenna sites. Terrain in the area is relatively flat; and line-of-sight coverage can easily be maintained from these sites to the entire community of Hilton.

CONCLUSION:

Based on the foregoing discussion and attached exhibits, the undersigned has concluded that Ch. 238A (95.5 MHz.) can be allotted to Hilton, New York with a site restriction of 2.0 kilometers northwest, providing special negotiated short-spacing is established to address this proposal's separation from CKDS-FM, Hamilton, ON (Ch. 237C1) and CJBC1F, Belleville, ON (Ch. 238C1). In all other respects, this proposed allotment stands in compliance with the Rules.

April 19, 1996

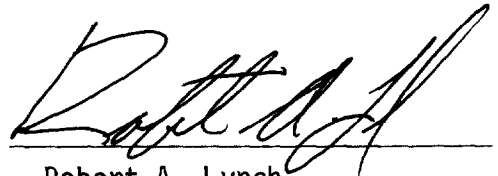

Robert A. Lynch
Consulting Engineer

FIGURE 1

INDEPENDENT BROADCAST CONSULTANTS, INC.
TRUMANSBURG, NEW YORK

Page 2
April 12, 1996

FM Spacing study

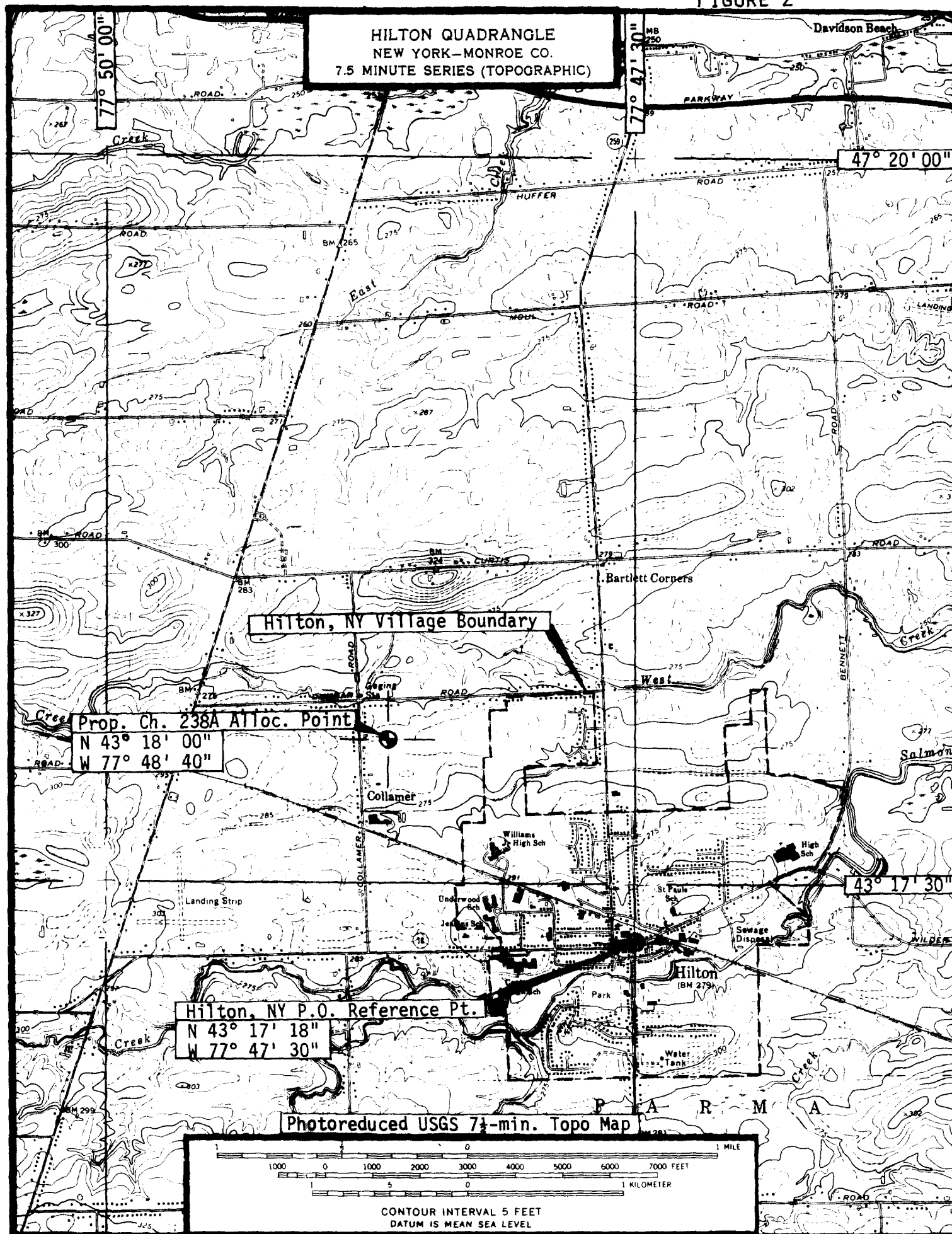
Title: HILTON, NY
Channel 238A (95.5 MHz)
Database: FCC 03/21/96

Latitude: 43-18-00
Longitude: 77-48-40
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
CKQT-FM			235B	50	43-57-15	312.6	108.3	71
Oshawa	ON		94.9	145	78-48-24	131.9	37.34	CLEAR
WNVE	CP	Great Lakes Wireless Tal	236B	12	42-44-47	152.9	69.04	69
South Bristol Townshi	NY	BPH-940920IB	95.1	303	77-25-35	333.2	.0361	CLOSE
ALLOC			236B		42-44-47	152.9	69.04	69
South Bristol Townshi	NY		95.1		77-25-35	333.2	.0361	CLOSE
WNVE	LIC	Great Lakes Wireless Tal	236B	9.50	42-44-47	152.9	69.04	69
South Bristol Townshi	NY	BMLH-871109KC	95.1	303	77-25-35	333.2	.0361	CLOSE
CKDS-FM			237C1	100	43-12-27	267.0	159.8	181
Hamilton	ON		95.3	305	79-46-28	85.6	-21.2	SHORT
PRM			238C1		44-18-45	23.1	122.6	256
Belleville	ON		95.5		77-12-25	203.5	-133	SHORT
CJBC1F			238C1	25	44-18-45	23.1	122.6	256
Belleville	ON		95.5	135	77-12-25	203.5	-133	SHORT
ALLOC			239B1		43-00-25	102.6	143.4	96
Manlius	NY	DOC-87-23	95.7		76-05-38	283.8	47.42	CLEAR
ALLOC			239C1		44-33-51	316.0	197.7	181
Barrie	ON		95.7		79-32-39	134.8	16.73	CLEAR
WFLR-FM LIC		Lakes Country Communicat	240A	.78	42-32-40	141.3	107.3	31
Dundee	NY	BLH-860807KB	95.9	183	76-59-35	321.9	76.27	CLEAR
WJYE	LIC	American Radio Systems L	241B	47	42-53-10	242.3	97.97	69
Buffalo	NY	BLH-950814KB	96.1	154	78-52-25	61.6	28.97	CLEAR
ALLOC			241B		42-53-10	242.3	97.97	69
Buffalo	NY		96.1		78-52-25	61.6	28.97	CLEAR
WNKI	LIC	Pro Radio, Inc.	291B	40	42-09-43	153.2	141.4	15
Corning	NY	BLH-801118AH	106.1	162	77-02-15	333.7	126.4	CLEAR
CJBC5F			292B	13DA	44-07-11	344.1	94.78	24
Peterborough	ON		106.3	222	78-08-12	163.9	70.78	CLEAR

>> End of channel 238A study <<

FIGURE 2



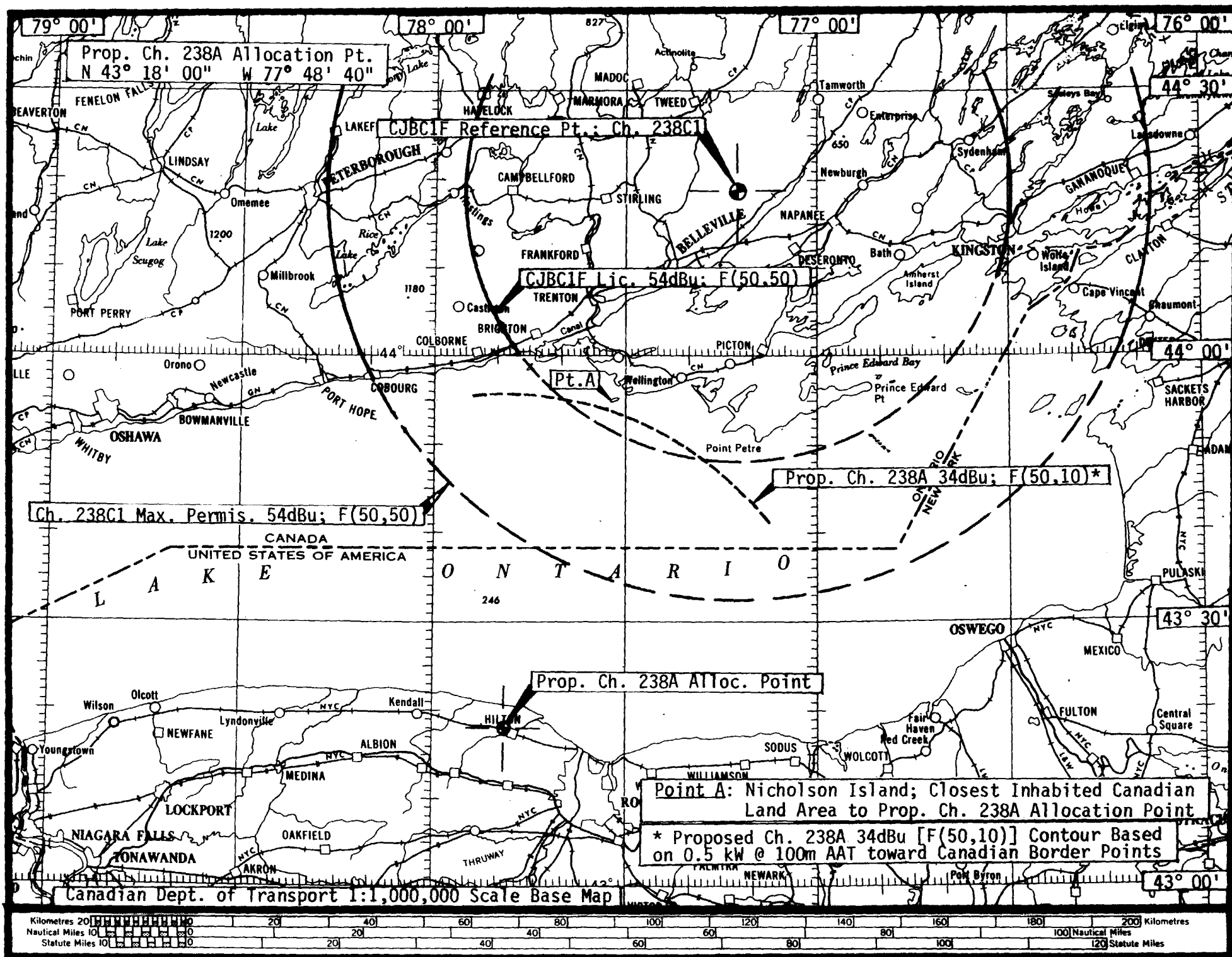


FIGURE 3

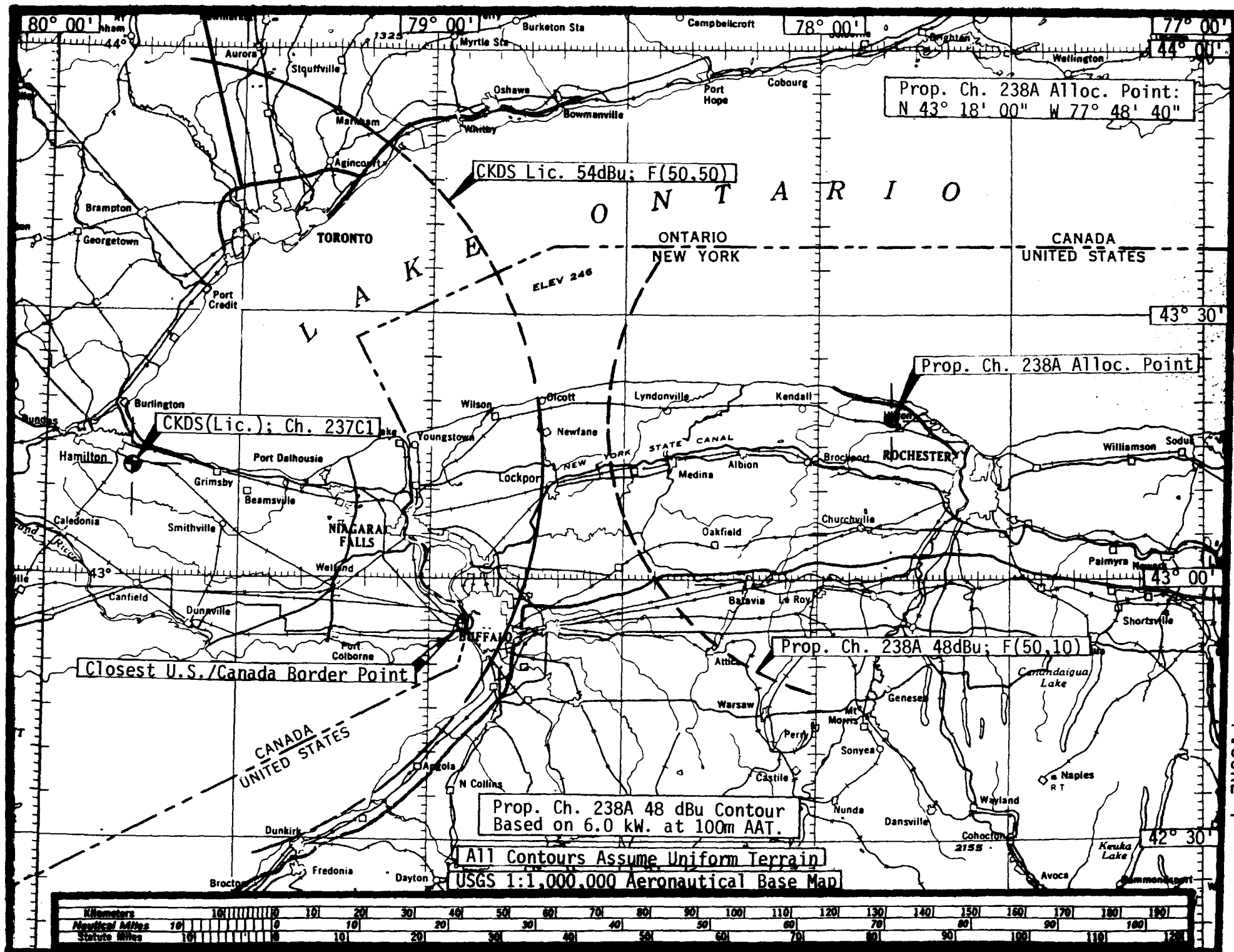


FIGURE 4